

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

WESTWOOD ONE, LLC,

Plaintiff,

V.

LOCAL RADIO NETWORKS, LLC, *et al.*,

Defendant.

No. 1:21-cv-00088-HAB-SLC

ORDER

Before the Court are two cursory motions filed by Plaintiff Westwood One, LLC (“Westwood”) on July 24, 2023, and August 14, 2023 (ECF 86, 96), seeking leave of Court to file under seal its memorandum in support of its motion for leave to file second amended complaint (ECF 82) and its reply memorandum related thereto (ECF 94). Westwood contends that the briefs should be maintained under seal in their entirety because they are “confidential or attorneys’ eyes only documents containing sensitive and confidential information provided for under the Protective Order” entered by this Court on March 14, 2022 (ECF 53, 54). (ECF 86, 96).

To remind Westwood, the Court approved and adopted the parties’ proposed agreed protective order only “to the extent set forth in” the Court’s March 14, 2022, Order. (ECF 54). The Court explained therein that the Order did “not authorize either party to file or maintain any document under seal” absent an authorizing statute, court rule, or further leave of Court, further cautioning the parties that “the definition of ‘Confidential’ or ‘Protected’ information in the Order would be overly broad . . . in the event they seek leave of Court to file any documents under seal.” (*Id.* ¶ 1 n.1 (citation omitted)). While Westwood’s two briefs may contain some bits

of legitimately confidential information, Westwood has not proffered “good cause” to redact any portion of the briefs, much less seal the briefs in their entirety. *See* Fed. R. Civ. P 26(c). Indeed, Defendant Local Radio Networks, LLC, filed its response brief and supporting evidence entirely in the public record. (*See* ECF 92, 92-1).

“It is true that pretrial discovery, unlike the trial itself, is usually conducted in private.” *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 944-45 (7th Cir. 1999) (citation omitted). But once a party seeks to file documents under seal in the record things shift. “[T]he public at large pays for the courts and therefore has an interest in what goes on at all stages of a judicial proceeding.” *Id.* at 945 (collecting cases).

Here, Westwood has failed to show good cause to maintain their supporting memorandum and reply brief entirely under seal, and thus, its motions to seal (ECF 86, 96) are DENIED without prejudice. Westwood is AFFORDED to and including November 16, 2023, to file an amended motion in an effort to establish good cause for any narrowly requested redactions to the briefs. In the event Westwood fails to timely and persuasively do so, the Court will UNSEAL Westwood’s supporting memorandum and reply brief (ECF 82, 94).

SO ORDERED.

Entered this 2nd day of November 2023.

/s/ Susan Collins
Susan Collins
United States Magistrate Judge